



# Bankruptcy and Diligence etc. (Scotland) Act 2007

2007 asp 3

## PART 1

### BANKRUPTCY

#### *Effect of bankruptcy restrictions orders and undertakings*

### **3 Disqualification from being appointed as receiver**

- (1) Section 51 of the Insolvency Act 1986 (c. 45) (appointment of receiver) is amended as follows.
- (2) In subsection (3), after paragraph (b), insert—
  - “(ba) a person subject to a bankruptcy restrictions order;”.
- (3) In subsection (5), after “bankrupt” insert “or a person subject to a bankruptcy restrictions order”.
- (4) In subsection (6), after “receivers” insert “; and  
“bankruptcy restrictions order” means—
  - (a) a bankruptcy restrictions order made under section 56A of the Bankruptcy (Scotland) Act 1985 (c. 66);
  - (b) a bankruptcy restrictions undertaking entered into under section 56G of that Act;
  - (c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A to this Act; or
  - (d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.”.

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**Changes to legislation:** There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Cross Heading: Effect of bankruptcy restrictions orders and undertakings. (See end of Document for details)

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#### **4 Disqualification for nomination, election and holding office as member of local authority**

In section 31 of the Local Government (Scotland) Act 1973 (c. 65) (disqualifications for nomination, election and holding office as member of local authority)—

(a) after subsection (1)(b), insert—

“(ba) he is subject to a bankruptcy restrictions order;” and

(b) after subsection (3A), insert—

“(3B) In subsection (1)(ba) above, “bankruptcy restrictions order” means—

- (a) a bankruptcy restrictions order made under section 56A of the Bankruptcy (Scotland) Act 1985;
- (b) a bankruptcy restrictions undertaking entered into under section 56G of that Act;
- (c) a bankruptcy restrictions order made under paragraph 1 of Schedule 4A to the Insolvency Act 1986 (c. 45); or
- (d) a bankruptcy restrictions undertaking entered into under paragraph 7 of that Schedule.”.

#### **<sup>F1</sup>5 Orders relating to disqualification**

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##### **Textual Amendments**

**F1** Ss. 5-32 repealed (30.11.2016) by [Bankruptcy \(Scotland\) Act 2016 \(asp 21\)](#), s. 237(2), **sch. 9 pt. 1** (with ss. 232, 234(3), 235, 236); S.S.I. 2016/294, reg. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Bankruptcy and Diligence etc. (Scotland) Act 2007, Cross Heading: Effect of bankruptcy restrictions orders and undertakings.